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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 3rd February 2009

No. 1022—li/1(BH)-59/2001(Pt)-L.E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th December 2008 in I. D. Case No. 1 of 2004 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s R.K. Enterprises, a Contractor Establishment of NTPC/TTPS, Talcher Thermal, Talcher, Dist. Angul and its workmen represented by NTPC/TTPS Labour Union, Talcher, Dist. Angul was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT

SAMBALPUR

INDUSTRIAL DISPUTE CASE No. 1 OF 2004

Dated the 26th December 2008

Present:

Smt. Suchismita Mishra, LL.M.,
Presiding Officer, Labour Court,
Sambalpur.

Between:

The Management of	... First Party—Management
M/s R. K. Enterprises, a Contractor	
Establishment of NTPC/TTPS,	
Talcher Thermal, Talcher, Dist. Angul.	
And	
workmen represented	... Second Party—Workmen
by NTPC/TTPS Labour Union,	
Jaganathpur, Talcher, Dist. Angul.	

Appearances :

For the First Party Management ..	None
For the Second Party Workmen ..	None

AWARD

The Government of Orissa in the Labour & Employment Department have, in exercise of power conferred upon them under Section 12, read with clause (c) of the sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (for short "the Act") referred the following dispute for adjudication by the Court :

" Whether the action of the management of M/s R. K. Enterprises of NTPC/TPPS in terminating the services of Shri Binay Kumar Nayak and 7 others (as per list enclosed) are legal and/or justified ? If not, what relief are the workmen entitled to ?"

2. This reference was disposed of with a no dispute award vide Order of this Court, dated the 12th July 2004 due to absence of both the parties. The proceeding was again restored to file on a petition filed by the second party workmen on the 4th April 2006. Thereafter the second party workmen were instructed to file their statement of claims on or before the 25th April 2006. Accordingly the workmen filed their claims statement and the case was adjourned from time to time for filing of written statement by the first-party management. When the proceeding was lingering thus the first party management and the workmen filed a petition jointly on the 27th September 2007 with a prayer to adjourn the hearing of the case on the ground that they were contemplating for a mutual settlement between them. Thereafter both the parties did not take any step for disposal of the case and remained absent till the 8th December 2008 for which notices were sent to them to appear before the Court on the 26th December 2008 either for filing their compromise/settlement, if any, drawn up in Form-K or for hearing of the case and the case was posted to the 26th December 2008. Today (i.e. on 26-12-2008) I find that both the parties absent on call and no step has been taken on their behalf. Under such circumstances it seems that the workmen are not interested to proceed with the present case. I, therefore, feel it would be appropriate to pass a " No Dispute Award " so far as the present reference is concerned. Accordingly the reference is disposed of with a No Dispute Award.

Dictated and corrected by me.

Smt. SUCHISMITA MISRA
26-12-2008
Presiding Officer
Labour Court, Sambalpur.

Smt. SUCHISMITA MISRA
26-12-2008
Presiding Officer,
Labour Court, Sambalpur.

By order of the Governor
K. C. BASKE
Under-Secretary to Government